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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,788	01/11/2002	Donald Espie Hay	LWC-189-107	8388
26875	7590	11/06/2003	EXAMINER	
WOOD, HERRON & EVANS, LLP			COLE, LAURA C	
2700 CAREW TOWER			ART UNIT	PAPER NUMBER
441 VINE STREET				1744
CINCINNATI, OH 45202				

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ebt

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/044,788	HAY, DONALD ESPIE
	Examiner Laura C Cole	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 March 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	5) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: In Lines 2-3 the claim recites "...a width in its elongate direction *comparable to* a lateral width..." It is confusing as to what is meant by "comparable to." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear to the examiner what is meant in Claim 3. What is meant by "...the squeegee blade extends laterally in a direction which has a component in a direction opposite to that in which the bristles extend"? Does this mean that the blade and bristles are disposed 90 degrees or 180 degrees of each other?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoagland, USPN D361,894.

Hoagland discloses the claimed invention including a cleaning element comprising a body from which extends an elongate handle (see Figures), a plurality of bristles depending from the underside of the body (see Figure 1, bristles are in the "hatched" area), an elongate squeegee blade (see all Figures, especially Figure 2 wherein the rectangle is the top of the blade) arranged on the body extending in a direction that is transverse to the direction that the handle extends (Figure 1, 3, and 4) and transverse to the direction to which the bristles extend (see Figures). The blade is arranged at an opposite end of the body to the handle (see Figures). The blade extends laterally in a direction that has a component in a direction opposite to which the bristles extend (see Figures). The squeegee blade curves upwardly away from the body (Figures 3 and 4). The squeegee blade has a width that is comparable to a width of the body (see Figures). The body includes a protruding lip with the squeegee blade molded onto the lip (see minor protrusion on the body attached to the lip in Figure 4). The body is generally in the shape of a spatula with the bristles extending from a lower side thereof (see Figures).

4. Claims 1-4, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe et al., USPN D459,088.

Rowe et al. disclose the claimed invention including a cleaning element comprising a body from which extends an elongate handle (see Figures), a plurality of bristles depending from the underside of the body (see Figure 2), an elongate squeegee blade (see Figures 1-2) arranged on the body extending in a direction that is transverse to the direction that the handle extends (Figures 1 and 2) and transverse to the direction to which the bristles extend (see Figures). The blade is arranged at an opposite end of the body to the handle (see Figures). The blade extends laterally in a direction that has a component in a direction opposite to which the bristles extend (see Figures). The squeegee blade curves upwardly away from the body (Figures 1 and 2). The squeegee blade has a width that is comparable to a width of the body (see Figures). The body is generally in the shape of a spatula with the bristles extending from a lower side thereof (see Figures).

5. Claims 1-3, 5, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sendoykas, USPN 4,281,433.

Sendoykas discloses the claimed invention including a cleaning element comprising a body (10) from which extends an elongate handle (16), a plurality of bristles depending from the underside of the body (20), an elongate squeegee blade (14) formed of an elastomer (Column 1 Lines 42-50), extending in a direction transverse to the handle and transverse to the direction that the bristles extend (Figures 1-3), the blade is at an opposite end of the body to the handle (see Figures), the squeegee blade extends laterally in a direction which has a component in a direction opposite to that in which the bristles extend. The squeegee blade has a width that is comparable to a

width of the body. The body is generally in the shape of a spatula with the bristles extending from a lower side thereof (see Figures).

6. Claims 1-5, 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis, Jr. USPN 4,607,411.

Lewis, Jr. discloses the claimed invention including a body (100 or 200) from which extends an elongate handle (203), a plurality of bristles extending from an underside of the body (202 or 204), an elongate squeegee blade formed of an elastomer (101 or 201; Column 4 Lines 13-18), extending in a direction transverse to the direction in which the handle extends and transverse to the direction in which the bristles extend (see Figures 3-10). The squeegee blade is at an opposite end of the body to the handle (Figure 3), the blade extends laterally in a direction which has a component in a direction opposite to that in which the bristles extend (see Figures), the squeegee blade curves upwardly away from the body (Figures 4-6), the blade is molded to the body (Column 1 Lines 26-32), the blade has a width in an elongate direction is comparable to a lateral width of the body (see Figures), the body includes a protruding lip with the blade molded onto the lip (102 or 202), and the squeegee blade is in a direction generally perpendicular to the direction in which the bristles extend (Figures 3 and 7-10).

7. Claims 1-3, 5, 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brinker et al., USPN 4,922,509.

Brinker et al. disclose the claimed invention including a body (18) from which extends an elongate handle (14), a plurality of bristles extending from an underside of

the body (13), an elongate squeegee blade formed of an elastomer (12; Column 2 Line 5), extending in a direction transverse to the direction in which the handle extends and transverse to the direction in which the bristles extend (see Figures 1 and 4). The squeegee blade is at an opposite end of the body to the handle (Figure 1), the blade extends laterally in a direction which has a component in a direction opposite to that in which the bristles extend (see Figures), the blade has a width in an elongate direction is comparable to a lateral width of the body (see Figures), the body includes a protruding lip (20) with the blade molded onto the lip (Figure 4), and the squeegee blade is in a direction generally perpendicular to the direction in which the bristles extend (Figure 1).

8. Claims 1, 3, 5, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert, GB 204,365.

Lambert discloses the invention including a body (15) from which extends an elongate handle (Page 2 Lines 88-91), a plurality of bristles depending from an underside of the body (14), an elongate squeegee blade (12) formed of an elastomer (Page 2 Lines 59-61) extending transverse to a direction of the handle and transverse to a direction that the bristles extend (see Figure). The squeegee blade extends laterally in a direction that has a component in a direction opposite to that in which the bristles extend (see Figure). The squeegee blade has a width in its elongate direction comparable to a lateral width (see Figure). The squeegee blade extends in a direction generally perpendicular to a direction from which the bristles extend (see Figure).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, Jr. USPN 4,607,411 in view of Vrignaud, USPN 5,934,762.

Lewis, Jr. discloses all elements above, including a squeegee blade that is molded to the body in any conventional foam molding or injection molding techniques (Column 4 Lines 13-18).

Vrignaud discloses a method for manufacturing a brush with multi-heads. Vrignaud includes the process of overmolding, molding individual parts, and then molding the portion a second time with additional elastomer material to create a flexible securing (Column 2 Lines 41-63).

It would have been obvious for one of ordinary skill in the art to manufacture the squeegee blade and block of Lewis, Jr. by overmolding such as Vrignaud teaches so that the blade and body will remain especially rigid with a flexible "lip" or hinged connection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 2,817,864 to Morton discloses a cleaner that has a spatula shape, brushes located on a bottom portion of the body, a lip extending from the body, and an elongate handle. Morton does not include a squeegee blade.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays. After December 17<sup>th</sup>, the Examiner's office will be located at the new USPTO site in Alexandria, Virginia. After this projected date, you may reach Examiner Laura Cole by phone at 571-272-1272 or by fax at 571-273-1272.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920 (or after December 17<sup>th</sup> may be reached at 571-272-1281). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC

LCC

31 October 2003



ROBERT J. WARDEN, SR.  
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